

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

MEMORANDUM AND ORDER

This matter is before the Court on review of plaintiff's show cause response [Doc. #13] relative to his failure to timely pay the \$16.54 initial partial filing fee, as ordered by the Court on December 19, 2014 [Doc. #9].

Plaintiff states that he did not pay the initial partial filing fee within thirty days, as ordered, because (1) he was transferred from the St. Francois County Jail to the Eastern Reception Diagnostic and Correctional Center (“ERDCC) “and [his] mail from court was not transferred to [him]”; and (2) he “was ill [and] had to be put in to the TLU of the Missouri Department of Correction[s].” Plaintiff states that the filing fee will be paid before June 5, 2015.

The Court notes that plaintiff was ordered to pay the \$16.54 filing fee on December 19, 2014, and he notified the Court of his new address at ERDCC in a letter dated February 22, 2015 [Doc. #11]. It would appear that plaintiff had more

than sufficient time to pay the fee, and should have paid it prior to his transfer to ERDCC. Moreover, although plaintiff also states that he had been ill, his illness occurred while in the custody of the Missouri Department of Corrections, which was after his transfer from the St. Francois County Jail. Nevertheless, because plaintiff states that the fee will be paid before June 5, 2015, the Court will grant him up to that time to comply with the December 19, 2014 Order. If plaintiff again fails to timely pay the \$16.54 fee, this action will be dismissed; no further extensions will be given.

In accordance with the foregoing,

IT IS HEREBY ORDERED that plaintiff shall pay the entire \$16.54 initial partial filing fee on or before June 5, 2015.

IT IS FURTHER ORDERED that if plaintiff fails to comply with this Order, the case will be dismissed, without prejudice and without further notice.

Dated this 27th day of May, 2015.



CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE